

MINUTES

Meeting of the Scotts Valley City Council

Date: December 17, 2014

POSTING:

The agenda was posted on 12-12-14
at City Hall, the SV Senior Center, and
the SV Library, by the City Clerk.

CALL TO ORDER 6:00 p.m.

PLEDGE OF ALLEGIANCE and MOMENT OF SILENCE

ROLL CALL

Present:

Vice Mayor Bustichi
Council Member Aguilar
Council Member Johnson
Council Member Lind

City Manager Ando
City Attorney Powell
Comm Dev Dir/Deputy City Mgr Kates
Public Wks Director Hamby
Police Chief Weiss
City Engineer Yamin
Senior Planner Fodge
City Clerk Ferrara

Absent:

Mayor Reed

SPECIAL SET MATTER a) **Approval of Resolution No. 1892.2 declaring the results of the consolidated General Municipal Election held on November 4, 2014**

M/S: Johnson/Lind

To approve Resolution No. 1892.2 declaring the results of the consolidated General Municipal Election held on November 4, 2014.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

b) **Swearing in of re-elected City Council Members Reed and Aguilar**

City Clerk Ferrara administered the Oath of Office to re-elected City Council Member Aguilar for a 4-year term.

c) **Nomination/Motion of Mayor/Chair**

M: Johnson

To appoint Vice Mayor Bustichi as Mayor/Chair 2014.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

d) **Nomination/Motion of Vice Mayor/Vice Chair**

M: Johnson

To appoint Council Member Lind as Vice Mayor/Vice Chair 2014.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

The City Council recessed until 6:35 p.m.

COMMITTEE REPORTS

None.

CITY MANAGER REPORT

- Permits were issued for the new hotel on Scotts Valley Drive across from the Woodside Development. Grading is scheduled to commence after January 1.
- Woodside residential subdivision is sold out and the Building Department is issuing the last of the Certificates of Occupancy.
- As you know, the completed commercial building at Woodside is a dentist office. The second commercial building being completed now will be a medical office.
- Two subdivisions previously approved will start construction soon: the Tansey 5-lot subdivision on Scotts Valley Drive; and the 4-lot subdivision on Collado Drive near the golf course.
- With the exception of two downed trees and some minor flooding occurrences, the City fared fairly well in this past week's storm events. This week's storm produced 2.6 inches of rain in Scotts Valley and 13.11 inches for the month of December. That is in addition to the 4 inches we received in November.
- This is Majid's last Council meeting. He will be retiring in a couple of weeks. He has been with the City 22 years. He has our best wishes in his retirement.

PUBLIC COMMENT

Wendy Brannan, SV resident, expressed concerns about the safety of the large oak tree at MacDorsa Park.

ALTERATIONS TO CONSENT AGENDA

CM Aguilar requested that Item's C and D be moved to the regular agenda for discussion.

M/S: Lind/Johnson

To approve the Consent Agenda as amended moving Items C and D to the regular agenda for discussion.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

Consent Agenda:

- A. Approve City Council meeting minutes of 12-3-14
- B. Approve check register – 12-8-14, 11-24-14
- E. Approve award of contract to Kimley-Horn and Associates for the preparation of an Environmental Impact Report (EIR) and Agreement for Professional Services to provide entitlement support services for a proposed 60-unit residential subdivision and up to 130-room hotel site located north of the Enterprise Technology Center along Santa's Village Road, and authorize the City Manager to execute the contract

**ALTERATIONS TO
REGULAR AGENDA**

CM Ando stated that the applicant requested that Item 1 be continued to the next regular City Council meeting on January 21, 2015.

M/S: Lind/Johnson

To approve the Regular Agenda as amended moving Items C and D from the consent agenda to the regular agenda for discussion and continuing Item 1 to the next regular City Council meeting on January 21, 2015.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

REGULAR AGENDA

1. **Consider approval of Reimbursement Agreement for Building Inspection, Plan Check, Civil Engineering, and Other Services between the City of Scotts Valley and 1440 DEVCO, LLC and authorize the City Manager to execute the agreement**

Per the applicant's request, this item was continued to the next regular City Council meeting on January 21, 2015.

PUBLIC HEARINGS

2. **Consideration of Urgency Ordinance No. 16.133.2 extending the adopted Urgency Ordinance establishing a temporary moratorium on outdoor storage uses located on Mt. Hermon Road and Scotts Valley Drive, for a one year period, to allow more time to research issues and return to the City Council with recommendations**

Mayor Bustichi recused himself from this item due to a conflict of interest.

SP Fodge presented the written staff report and responded to questions from Council.

CA Powell stated that since this item requires a 4/5ths vote, which is not possible due to the absence of CM Reed and Mayor Bustichi recusing himself, it will be necessary to reschedule this item in January.

PUBLIC HEARING OPENED - 6:42 PM

No one came forward.

M/S: Aguilar/Johnson

**To reschedule this public hearing to a date in January due to Mayor Bustichi recusing himself, the absence of CM Reed, and the requirement for a 4/5ths vote for approval.
Carried 4/0/1 (AYES: Aguilar, Johnson, Lind; ABSENT: Bustichi, Reed)**

3. **Consideration of a Mitigated Negative Declaration and Minor Land Division to divide a vacant 15-acre lot into four lots for future residential construction, and Design Review to create cuts of 2H:1V, allow private access road slopes between 15.1% - 20%, and a private access road width of 20 feet in the Rural Residential (R-R-2.5) zone, Timber Ridge Lane, APN 024-021-26**

SP Fodge presented the written staff report and responded to questions from Council. She stated that staff recommended adding two additional conditions, 53a and 53b as follows:

“53a. The final map shall show a sewer easement located within the project access road (right-of-way) to provide an opportunity for future project residents to connect to the future sewer connection by Lennar Homes for the approved Polo Ranch 40-lot subdivision.

53b. If any work is proposed in the Caltrans right-of-way (Highway 17), the developer shall obtain a prior encroachment permit from Caltrans before any work begins, and shall obtain prior review and approval by the CDD of such work.”

PUBLIC HEARING OPENED - 6:52 PM

George Smith, applicant, described his intent for this minor land division.

Neighbor on Timber Ridge, spoke in favor of the project.

PUBLIC HEARING CLOSED - 6:54 PM

CM Johnson stated that without additional information on the property he did not feel comfortable approving the project at this time.

Mayor Bustichi stated that he would like to have additional time to review the property and project before considering approval.

M/S: Lind/Johnson

To continue this item to January 21, 2015 to allow time for further review.

Carried 4/0/1 (AYES: Aguilar, Bustichi, Johnson, Lind; ABSENT: Reed)

REGULAR AGENDA

C. Shugart Park Pathway and Footbridges Project:

PWD Hamby presented the written staff report and responded to questions from Council.

CM Aguilar expressed concerns regarding the use of Parks and Recreation Facilities Impact fees for this project as this is a Safe Routes to School project.

Wendy Brannan, SV resident, expressed concerns about this project and the process the project went through for approval.

- (1) **Approve change order No. 1 in the amount of \$27,714.17 for Shugart Park Pathway and Footbridges Project to Monterey Peninsula Engineering (MPE)**

M/S: Johnson/Lind

To approve change order No. 1 in the amount of \$27,714.17 for Shugart Park Pathway and Footbridges Project to Monterey Peninsula Engineering (MPE).

Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

- (2) **Approve the First Amendment to the Contract for Professional Services for the Shugart Park Pathway and Footbridges Project in the amount of \$4,208 to Butano Geotechnical Engineering, Inc., providing geotechnical services**

M/S: Johnson/Lind

To approve the First Amendment to the Contract for Professional Services for the Shugart Park Pathway and Footbridges Project in the amount of \$4,208 to Butano Geotechnical Engineering, Inc., providing geotechnical services.

Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

- (3) **Approve the Third Amendment to the Contract for Professional Services for the Shugart Park Pathway and Footbridges Project in the amount of \$4,500 to Mesiti-Miller Engineering, Inc., providing engineering services**

M/S: Johnson/Lind

To approve the Third Amendment to the Contract for Professional Services for the Shugart Park Pathway and Footbridges Project in the amount of \$4,500 to Mesiti-Miller Engineering, Inc., providing engineering services.

Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

- (4) **Award landscaping contract in the amount of \$21,000 to Stevenson's Landscaping**

M/S: Johnson/Lind

To award landscaping contract in the amount of \$21,000 to Stevenson's Landscaping. Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

D. Vine Hill School Road and Tabor Drive Sidewalk and Bike Lanes Construction Project:

PWD Hamby presented the written staff report and responded to questions from Council.

CM Aguilar expressed concerns regarding the use of Parks and Recreation Facilities Impact Fees for this project and asked if there were any other funds available, such as gas tax monies, and if gas tax monies could be used for this project instead of Parks and Recreation Facilities Impact fees.

CM Ando responded that gas tax monies could be used, however, when staff reviewed the project they determined that it was appropriate to use Parks and Recreation Facilities Impact fees.

Wendy Brannan, SV resident, questioned what Streets and Thoroughfares Impact fees are used for, what the balance of that fund is, and expressed concerns about Parks and Recreation Facilities Impact fees being spent without approval from the Parks & Recreation Commission.

Mayor Bustichi asked the City Attorney if there was a nexus for the use of Parks and Recreation Facilities Impact fees.

CA Powell responded that there is a nexus for the use of Parks and Recreation Facilities Impact fees for this project.

- (1) **Approve balancing change order/change order No. 1, in the amount of \$80,711.97 for Vine Hill School Road Sidewalk and Bike Lane Project with Granite Construction Company**

M/S: Lind/Johnson

To approve balancing change order/change order No. 1, in the amount of \$80,711.97 for Vine Hill School Road Sidewalk and Bike Lane Project with Granite Construction Company.

Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

- (2) **Approve the Second Amendment to the Contract for Professional Services for the Vine Hill School Road and Tabor Drive Sidewalk and Bike Lanes Project in the amount of \$7,390 to Butano Geotechnical Engineering, Inc., providing geotechnical services**

M/S: Lind/Johnson

To approve the Second Amendment to the Contract for Professional Services for the Vine Hill School Road and Tabor Drive Sidewalk and Bike Lanes Project in the amount of \$7,390 to Butano Geotechnical Engineering, Inc., providing geotechnical services. Carried 3/1/1 (AYES: Bustichi, Johnson, Lind; NOES: Aguilar; ABSENT: Reed)

4. Future Council agenda items

Mayor Bustichi requested future agenda items regarding the review and governance of the ADA Subcommittee and the Parks & Recreation Commission, and a review of the City arborist and City archaeologist.

Wendy Brannan requested a report on impact fees as outlined in the City's ordinance for impact fee balances and parameters for spending those funds.

The City Council meeting convened its regular meeting at 7:35 pm to a special meeting of the Scotts Valley City Council.

SPECIAL SET MATTER

1. Consider declaring December 26, 2014 a holiday per Presidential Executive Order

CM Ando presented the written staff report and responded to questions from Council.

M/S: Aguilar/Lind

To approve the declaration of December 26, 2014 as a holiday per Presidential Executive Order.

Motion failed 2/2/1 (AYES: Aguilar, Lind; NOES: Bustichi, Johnson; ABSENT: Reed)

The City Council adjourned its special meeting and reconvened to its regular meeting at 7:40 pm.

CONVENE TO CLOSED SESSION

The City Council convened to closed session at 7:40 p.m. to discuss the following items:

- (1) Pursuant to Government Code Section 54956.9a, the City Council met in closed session to confer with their legal counsel regarding existing litigation: City of Scotts Valley vs. County of Santa Cruz, et al, Case No. CIV467230 San Mateo County Superior Court and Case No. A126357 Court of Appeal, First District.
- (2) Pursuant to Government Code Section 54956.9a, the City Council met in closed session to confer with their legal counsel regarding existing litigation: City of Scotts Valley vs. County of Santa Cruz, et al, Case No. CV177221.
- (3) Pursuant to Government Code Section 54-56.9(d)(2), the City Council met in closed session to confer with their legal counsel regarding threatened litigation.
- (4) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with the legal counsel regarding real property negotiations, APN 024-031-17.

- (5) Pursuant to Government Code Section 54956.8, the City Council met in closed session to confer with the legal counsel regarding real property negotiations. Location/APN's: The City of Scotts Valley ocean outfall pipeline starting at the City's wastewater facility, APN 021-061-25 and through Hocus Pocus Park, APN 021-061-45 which runs along Whispering Pines Drive, to Estrella Drive, to Lockwood Lane to Graham Hill Road with turnouts located off of Sims Road and Deer Path Road onto APN 060-011-02, the Pasatiempo Golf Club.

RECONVENE TO OPEN SESSION

The City Council reconvened to open session at 7:55 p.m.

REPORT ON ACTION TAKEN DURING CLOSED SESSION

Mayor Bustichi announced that there was nothing to report.

ADJOURNMENT The meeting adjourned at 7:56 p.m.

Approved:


Dene Bustichi, Mayor

Attest:


Tracy A. Ferrara, City Clerk